

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

I.W.,

Plaintiff,

v.

No. CV 20-807 CG/SMV

CITY OF CLOVIS
POLICE DEPARTMENT, et al.,

Defendants.

NOTICE OF CIVIL JURY TRIAL

BY DIRECTION OF THE HON. CARMEN E. GARZA, CHIEF MAGISTRATE JUDGE, the case of *I.W. v. City of Clovis Police Department, et al.* will come on for:

PRETRIAL CONFERENCE on Wednesday, June 22, 2022, at 1:30 p.m.
to be held via Zoom.

JURY SELECTION and TRIAL on Monday, July 18, 2022, at 9:00 a.m.,
at the Pete V. Domenici United States Courthouse, 333 Lomas Boulevard
Northeast, Albuquerque, New Mexico. The Court will announce the courtroom
assignment by separate order at a later date.

CV 20-807 CG/SMV I.W. v. City of Clovis Police Department, et al. (5 days)

Attorney for Plaintiff: Matthew Coyte

Attorneys for Defendant: Erin L. Chavez
Gregory L. Biehler

Counsel and parties are to appear before Judge Garza one-half hour prior to jury selection to address any matters needing attention. For pretrial deadlines and other information, please refer to the attached pages.

Please direct inquiries regarding this setting or other civil calendaring information to Chris Copeland at 575-528-1670.



Carmen E. Garza
Chief United States Magistrate Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

I.W.,

Plaintiff,

v.

No. CV 20-807 CG/SMV

CITY OF CLOVIS
POLICE DEPARTMENT, et al.,

Defendants.

ORDER SETTING JURY TRIAL

After a telephonic Status Conference on September 15, 2021, to determine the appropriate dates for a jury trial and pretrial conferences in this case, the Court sets the following dates and deadlines:

A **Pretrial Conference** will be held on **June 22, 2022, at 1:30 p.m.** via **Zoom**. A Zoom link will be emailed to counsel prior to the date of the Pretrial Conference. All attorneys participating in the trial must be present for the pretrial conference. The parties may, but need not, be present.

Jury Selection and Jury Trial will begin on **July 18, 2022, at 9:00 a.m.** in the **Pete V. Domenici United States Courthouse, 333 Lomas Boulevard Northeast, Albuquerque, New Mexico**. The Court will announce the courtroom assignment by separate order at a later date.

Counsel are directed to submit a proposed consolidated final pretrial order as follows: Plaintiff to Defendant on or before **March 22, 2022**; Defendant to Court on or before **April 5, 2022**. Counsel are directed that the pretrial order will provide that no witnesses except rebuttal witnesses, whose testimony cannot be anticipated, will be

permitted to testify unless the name of the witness is furnished to the Court and opposing counsel no later than thirty (30) days prior to the time set for trial. Any exceptions thereto must be upon order of the Court for good cause shown.

Motions in Limine: All motions in limine¹ are due by **May 23, 2022**. Any responses or objections are due by **May 30, 2022**.

Witness Lists: The parties shall file their witness lists, which must disclose both witnesses that the parties “will call” and witnesses that they “may call” at trial. Witness lists are due by **May 9, 2022**. Any objections to a witness named by the opposing party must be filed by **May 23, 2022**.

Designations and Counter-Designations of Deposition Testimony: The parties shall file designations, and counter-designations, of deposition testimony that they intend to use at trial. The designations and counter-designations must state the pages and lines of the deposition to be used. Plaintiffs will use a yellow marker and Defendants a blue marker. These requirements do not apply to cross-examination or rebuttal of a witness presented in person at trial. Designations must be filed by **June 8, 2022**. Counsel must jointly submit one physical copy of each deposition to my chambers by this due date and must highlight the parts of the depositions that are to be used. Any objections to testimony designated by the opposing party, and any counter-designations, must be filed by **June 15, 2022**. If the parties wish to make further designations in light of the designations and counter-designations, leave for additional designations must be requested from the Court **at the pretrial conference**.

¹ Motions challenging the admissibility of expert testimony under *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) are not motions in limine. *Daubert* motions shall be filed no later than the dispositive motions deadline.

Exhibits: The parties shall **jointly** file one list of stipulated exhibits and shall separately file lists of contested exhibits no later than **May 9, 2022**. They shall also submit **two physical copies of marked exhibits to my chambers by the next business day**. The first copy shall include exhibits that the parties stipulate to be admissible, and shall be labeled consecutively. The second copy shall include exhibits, the admissibility of which are contested, and shall be labeled consecutively beginning with the next sequential number after the final stipulated exhibit designation. For instance, if there are 50 stipulated exhibits, 20 contested plaintiffs' exhibits, and 20 contested defendants' exhibits, the first notebook shall contain stipulated exhibits numbered 1 to 50. The second notebook shall contain plaintiffs' contested exhibits numbered 51 through 70 and defendants' contested exhibits numbered 71 through 90.

In order to allow sufficient time for a party to decide whether to contest the admission of exhibits, each party must send a list of their proposed exhibits to the opposing party no later than **May 2, 2022**.

Statement of the Case: No later than **May 16, 2022**, the parties shall file a consolidated, clear, concise statement of the case, to be read by the Court to the jury at the beginning of trial. If counsel are unable to agree to a consolidated statement of the case, they shall file separate statements of the case. The parties shall meet and confer about the statement of the case no later than **May 9, 2022**.

Jury Instructions: The parties shall meet and confer about proposed jury instructions no later than **May 23, 2022**. Plaintiff is responsible for filing a set of requested jury instructions to which all of the parties agree. Requested instructions upon which the parties cannot agree must be filed separately by the requesting party. There shall be only one instruction per page and each instruction shall include a citation

to supporting authority at the bottom of the page. All such filings are due **May 30, 2022**. On that same day, the parties must also email a copy of the instructions in Word format, without citations, to garzaproposedtext@nmd.uscourts.gov

A party must file written objections to an opposing party's requested instructions no later than **June 6, 2022**.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a long horizontal line extending to the right.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE

EXHIBIT LIST

CASE NO. _____

_____ VS. _____

EXHIBIT					OFFERED ADMITTED		
DATE	PLF No.	DFT LTR	WITNESS	DESCRIPTION OF EXHIBIT	O	A	OBJ